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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION
17

18 3taps, Inc.,

19 Plaintiff,

20 vs.

21 LinkedIn Corporation,

22 Defendant.
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Case No. 18-cv-00855-EMC

**STIPULATION AND [PROPOSED]
ORDER CLARIFYING STAY**

Judge: Hon. Edward M. Chen

Action Filed: February 8, 2018

Trial Date: None Set

STIPULATION AND [PROPOSED] ORDER

WHEREAS, Plaintiff 3taps, Inc. (“3taps”) filed the complaint in the above-captioned action (the “3taps Action”) against Defendant LinkedIn Corporation (“LinkedIn”) on February 8, 2018 (“Complaint,” ECF No. 1);

WHEREAS, on February 14, 2018, 3taps moved to relate the 3taps Action to *hiQ Labs, Inc. v. LinkedIn Corp.*, No. 17-cv-03301-EMC (the “hiQ Action”) (*see* ECF No. 97 in No. 17-cv-03301-EMC);

WHEREAS, on February 23, 2018, the 3taps Action was reassigned to this Court as related to the hiQ Action;

WHEREAS, LinkedIn took an appeal in the hiQ Action to the Court of Appeals for the Ninth Circuit, (No. 17-16783, the “hiQ Appeal”);

WHEREAS, this Court stayed the hiQ Action pending the issuance of the mandate from the Court of Appeals for the Ninth Circuit (*see* ECF No. 80 in the hiQ Action);

WHEREAS, on March 7, 2018, this Court stayed the above-captioned action pending resolution of the appeal in the hiQ Action (*see* ECF No. 10);

WHEREAS, on September 9, 2019, a panel of the Court of Appeals for the Ninth Circuit issued an opinion on the merits in the hiQ Appeal (the “hiQ Panel Opinion”);

WHEREAS, LinkedIn is considering seeking panel or en banc rehearing of the hiQ Panel Opinion;

WHEREAS, the hiQ Action remains stayed pending the issuance of a mandate from the Ninth Circuit (*see* ECF No. 80 in the hiQ Action);

WHEREAS, the parties agree that a stay in this action pending the issuance of a mandate from the Ninth Circuit is in the interest of judicial efficiency and conserving the resources of this Court and the parties;

NOW, THEREFORE, FOR GOOD CAUSE, IT IS HEREBY STIPULATED AND AGREED:

1. The Expiration Date of the current stay in this action shall be the day after the Court of Appeals for the Ninth Circuit issues its mandate in the hiQ Appeal;

2. Within 10 days of the Expiration Date, the parties shall inform the Court that the Ninth Circuit has issued its mandate;

3. All other provisions in the stipulation and order concerning the existing stay in this matter (ECF No. 10) remain in place.

4. The case management conference, currently set for November 14, 2019 at 9:30 a.m., is continued to January 30, 2010 at 9:30 a.m.;

5. All parties reserve all rights and arguments, including the right to apply to the Court to extend any deadline recited herein.

DATED: September 18, 2019

THE LAW OFFICES OF THOMAS V. CHRISTOPHER

By: /s/ Thomas V. Christopher
THOMAS V. CHRISTOPHER

Attorneys for Plaintiff 3taps, Inc.

DATED: September 18, 2019

MUNGER, TOLLES & OLSON LLP

By: /s/ Jonathan H. Blavin
JONATHAN H. BLAVIN

Attorneys for Defendant LinkedIn Corporation

N.D. Cal. Civil Local Rule 5-1 Attestation

I, Jonathan H. Blavin, am the ECF user whose credentials were utilized in the electronic filing of this document. In accordance with N.D. Cal. Civil Local Rule 5-1, I hereby attest that Thomas V. Christopher concurred in the filing of this document.

/s/ Jonathan H. Blavin
Jonathan H. Blavin

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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3 DATED: September ____, 2019
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The Honorable Edward M. Chen
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